

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JEFFREY CHAMBERS,

Plaintiff,

v.

GRAND HAVEN, CITY OF, et al.

Defendant.

Case No. 1:22-cv-1125

HON. ROBERT J. JONKER

ORDER APPROVING AND ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Green’s Report and Recommendation, (ECF No. 44), and Plaintiff’s Objection to the Report and Recommendation, (ECF No. 45). Under the Federal Rules of Civil Procedure, when a party objects to portions of a Report and Recommendation, “[t]he district judge . . . has a duty to reject the magistrate judge’s recommendation unless, on *de novo* reconsideration, he or she finds it justified.” 12 C. WRIGHT & A. MILLER, FEDERAL PRACTICE AND PROCEDURE § 3070.2 (3d ed. June 2024 update). Specifically, the Rules provide that:

The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b)(3). *De novo* review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co., Inc.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed *de novo* the claims and evidence presented to the Magistrate Judge.

After its review, the Court finds that Judge Green's Report and Recommendation is factually sound and legally correct.

Magistrate Judge Green recommends that the Court grant Defendants' motion for judgment on the pleadings, (ECF No. 40), because Defendants City of Grand Haven and Grand Haven Police Department are municipalities and Plaintiff's pleadings do not set forth a municipal policy or practice that caused Plaintiffs' rights to be violated, (ECF No. 44, PageID.178-179). Plaintiff does not contest this point in objecting to the Magistrate Judge's recommendation. Instead, Plaintiff argues that he named an individual officer of the Grand Haven Police Department as a defendant in his "supplemental complaint." (ECF No. 45, PageID.180). But Plaintiff never moved this Court for leave to amend his complaint to add new defendants. *See* Fed. R. Civ. P. 15(a)(2). Plaintiff's objection therefore fails to demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion.

Accordingly,

IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 44) is **APPROVED AND ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that this case is **DISMISSED WITH PREJUDICE**.

A separate Judgment will enter.

Dated: March 26, 2025

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE